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U.S. Department of Justice

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January 28, 2009

EFILED & HAND DELIVERED TO COURT
Honorable Susan Illston
United States District Court Judge
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

Re: United States v. Barry Bonds
CR 07-0732 SI

Dear Judge Illston,

We write to inform the Court of the government's intention to publicly file its response to the defendant's motion in limine.

As the Court is aware, the government's response to the defendant's January 15, 2009 motion in limine is due tomorrow, January 29, 2009. The defendant requested an order from the Court authorizing the filing of the exhibits to their motion under seal, and the government opposed that request. The government maintains that there is no factual or legal basis for filing any portion of the defendant's motion or the government's response under seal. The Court has not yet ruled on how the defense exhibits should be filed.

In light of the above, the government respectfully requests a ruling from the Court related to the motion to seal before the government must file its response tomorrow. Without a ruling

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from the Court, the government's position is that it is required by law and Department of Justice Guidelines to file its response publicly.

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

___________/s/_________________
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J. DOUGLAS WILSON
Assistant United States Attorneys

cc: Allen Ruby, Esq. (Via facsimile)
Dennis Riordan, Esq. (Via facsimile)